

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN NURSING**
239 Causeway Street, Room 417A
Boston, MA 02114

Minutes of the Special Board Meeting
Wednesday, August 13, 2014

Board Members Present

K. Gehly, RN/NP, Vice Chair
A. Alley, RN
P. Gales, RN
J. Killion, LPN
B. Levin, RN
A. Peckham, RN
E. Richard Rothmund, Public Member
C. Simonian, PharmD, RPh
S. Taylor, RN
C. Tebaldi, RN/NP (9:10am)
C. Urena, LPN

Board Members Not Present

S. Kelly, RN/NP, Chair
M. Beal, RN

Board Staff Present

K. Ashe, RN, Education Coordinator
D.M. DeVaux RN, SARP Coordinator
A. Fein, RN, JD, Complaint Resolution Coordinator
V. Iyawe, RN, SARP Coordinator
K. Keenan, Licensing Coordinator
C. Robertson, RN, Deputy Executive Director
S. Varghese, RN, Nursing Education

Board Staff Not Present

Rula, Harb, RN, Executive Director
M. Strachan, Board Counsel

Guests

Vita Berg, Chief Board Counsel
See attached list

TOPIC:

Call to Order & Determination of Quorum

DISCUSSION:

A quorum of the Board was present.

ACTION:

At 9:05 a.m., K. Gehly, Vice Chairperson, called the August 13, 2014 Special Board Meeting to order.

TOPIC:

Approval of Agenda

DISCUSSION:

None

ACTION:

Motion by B. Levin, seconded by P. Gales, and unanimously passed to approve the agenda as presented.

TOPIC: Proposed Revisions to 244 CMR 4.00 Relative to Advanced Practice Registered Nurses - pertaining to the prescribing of hydrocodone-only extended release medications that are not in an abuse deterrent form.

DISCUSSION: V. Berg reviewed the previously distributed proposed amendments to the Board's regulations and supporting memorandum. V. Berg noted that on June 25, 2014, the Board published a notice of public hearing for the amendments promulgated on June 11, 2014. The public hearing was held on July 18, 2014; the Board received testimony at the hearing, and corresponding written comments from a representative for both the Massachusetts Coalition of Nurse Practitioners and the Massachusetts Association of Nurse Anesthetists. In the interim, the Board had rescinded the entirety of the existing provisions at 244 CMR 4.00 and replaced that section with new provisions, reserving subsection 4.07(3) for these emergency provisions. Also during this period, on June 11, 2014, and again on June 25, 2014, the Board of Registration in Medicine ("BORIM") updated its corresponding regulations. Based on the changes to BORIM's regulations, V. Berg recommended that the Board amend its emergency regulations as proposed and promulgate them as permanent regulations, so that the Board's regulations remain consistent with BORIM's regulations. V. Berg reviewed the proposed amendments below:

- Renumbering the emergency provision as 4.07(3);
- Substituting "a licensee" with "an APRN engaged in prescriptive practice" in the first sentence at 244 CMR 4.07(3);
- Substituting "have failed" with "are inadequate" for the requirement that the physician make a determination that "other pain management treatments have failed" 244 CMR 4.07 (3)(a);
- Inserting "patient's data through the" into 244 CMR 4.07 (3)(a) to clarify the requirement that the licensee check the online Prescription Monitoring Program;
- Inserting "pursuant to 247 CMR 9.04 (8)(c)" after the requirement "Supply a letter of medical Necessity as required by the Board of Registration in Pharmacy" in 244 CMR 4.07 (3)(d) and deleting the language "that includes the patient's diagnoses and treatment plan, verifies that other pain management treatments have failed, indicates that a risk assessment was performed and that the licensee and the patient have entered into a Pain management Treatment Agreement" from that section; and
- Inserting into 244 CMR 4.07 (3)(c) the text "unless a Pain Management Treatment Agreement is not clinically indicated due to the severity of the patient's medical condition".

V. Berg noted that one concern raised by MCNP and MANA related to meaning of the word "supply" in connection with the letter of medical necessity and the role played by the Pharmacy Board in "requiring" such letters. The recommended insertion of the citation to the Pharmacy Board's regulation clarifies that "supply" means that the letter must accompany a prescription, as the pharmacy board restricts pharmacists from dispensing this class of medications unless accompanied by such a letter. During the discussion, C. Tebaldi inquired about the implications of this regulation in an emergency room setting. V. Berg advised

that the Board could develop guidelines applicable to that setting. S. Taylor inquired about the concern raised by MCNP and MANA with respect to the terms of treatment agreements. V. Berg noted that guidance in the form of samples for both the treatment agreement and the letter of medical necessity would be helpful.

ACTION: P. Gales made a motion to incorporate the recommended amendments into this section of the Boards regulations, renumbered as 244 CMR 4.07 (3), and to promulgate them as permanent regulations; B. Levin seconded the motion. The motion passed with Board members unanimously voting in favor.

TOPIC:

Adjournment

DISCUSSION:

None

ACTION:

Motion by P. Gales, seconded by B. Levin, and unanimously passed to adjourn the meeting at 9:18a.m.

Respectfully submitted by:



Caron Robertson MSN, RN, Deputy Executive Director
Board of Registration in Nursing

Agenda with exhibits list attached

COMMONWEALTH OF MASSACHUSETTS

**NOTICE OF THE SPECIAL MEETING OF THE
BOARD OF REGISTRATION IN NURSING
SCHEDULED FOR**

August 13, 2014
239 Causeway Street ~ Room 417 A&B
Boston, Massachusetts 02114

PRELIMINARY AGENDA as of August 5, 2014

Time	#	A. Item	Exhibits	Presented by
9:00 a.m.	I.	B. CALL TO ORDER & DETERMINATION OF QUORUM	None	
	II.	APPROVAL OF AGENDA	Agenda	
	III.	REGULATIONS A. Proposed Revisions to 244 CMR 4.00 Relative to Advanced Practice Registered Nurses - Comments/Testimony pertaining to the prescribing of hydrocodone-only extended release medications that are not in an abuse deterrent form- Post July 18, 2014 Public Comment/Testimony	Memo	VB
9:20 a.m.	XV.	ADJOURNMENT		